THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18011 OF 2005

Dated 21st October 2005

Between:

Dr.D.Vidyasagara Chary S/o. Srinivasa Chary

…Petitioner

And

Osmania University, rep. by its

Registrar, Hyderabad & others

…Respondents

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O R D E R:

The petitioner challenges the action of the respondents in not appointing him as Academic Consultant, on a consolidated pay, as was done earlier.

The petitioner is a Post Graduate in Geology. Through proceedings dated 2.9.2002, he was initially engaged for teaching, for a period of one year, in the University College of Science, Department of Geology. He was required to take 4 theory classes and 10 practical classes. The same arrangement was continued up to 31.12.2004. However, for the subsequent period, the University engaged him as Academic Consultant, by requiring him to take 2 theory classes and 8 practical classes. The petitioner submits that the respondents have split the existing work and

engaged many such persons, and that the same has resulted in reduction of remuneration.

The respondents filed a counter affidavit, narrating the circumstances, under which the petitioner came to be assigned the work, as indicated above. It is represented that the engagement of the petitioner, as an Academic Consultant, was purely an *ad hoc* arrangement, and that it does not confer any right upon him. It is also stated that engagement of Academic Consultant is resorted to, whenever there exists any excess work load for the regular academic staff.

Heard the learned counsel for the petitioner and learned Standing Counsel for the University.

The grievance of the petitioner is about the change in conditions of engagement, as Academic Consultant. Earlier, he was being engaged for 3 or 4 theory classes and 10 practical classes. The same is now reduced to 2 and 8 respectively. The engagement of the petitioner is not on any regular or *ad hoc* basis. It is purely a time gap arrangement, to meet the excess work load for the regular teaching staff. Further, no service regulations, which govern such engagement, are relied upon. It is purely optional for the petitioner, to work on such conditions. This much can be said that having regard to the fact that the petitioner is being continued since last several years, he deserves to be continued as long as the necessity subsists.

Learned counsel for the petitioner submits that the petitioner be extended the relief of relaxation of age, in the matter of regular appointments. He placed reliance upon an order passed by this Court, in a batch of writ petitions. Basically, there is substantial difference between the nature of appointment of the petitioner therein, on the one hand, and the engagement of the petitioner herein, on the other hand. Secondly, the said relief does not form part of the present writ petition. At any rate, the relaxation of age limit cannot be claimed, as of right, and it is always in the discretion of the employer to provide for the necessary qualifications.

The writ petition is disposed of, directing that the petitioner be continued on the same terms, as long as the work subsists. There shall be no order as to costs.

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21st October 2005

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